

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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DEVON PRESCOTT, et al.

Case No. 2:18-cv-00296-GMN-CWH

Plaintiffs,

V.

SLIDE FIRE SOLUTIONS, LP,

Defendant.

ORDER

Presently before the court is plaintiffs Devon Prescott and Brooke Freeman's emergency motion for authorization to issue evidence preservation subpoenas (ECF No. 37), filed January 29, 2019.

This case arises from allegations that defendant Slide Fire Solutions, LP (“Slide Fire”) manufactures and sells bump stock devices that convert semiautomatic firearms into machine guns. (Compl. (ECF No. 1-2) at 10.) Plaintiffs further allege that Slide Fire designed, manufactured and/or sold the bump stock device used by Stephen Paddock during the 2017 Route 91 Harvest Festival shooting. (*Id.* at 9-10.)

Plaintiffs now move for authority to issue a preservation subpoena to Paddock’s estate, the Las Vegas Metropolitan Police Department, and the Federal Bureau of Investigation’s Las Vegas Office to preserve any and all evidence in their possession. (Emergency Mot. (ECF No. 37) at 6.) Plaintiffs argue that Paddock’s estate’s administrator intends to advocate for the destruction of Paddock’s weapons at a court hearing scheduled in March of 2019. (*Id.* at 4.) Further, plaintiffs claim that the FBI and LVMPD’s issuance of final reports in the investigation of the shooting may result in the loss of evidence. (*Id.*) According to plaintiffs, the possibility that evidence may be destroyed before discovery is conducted in this case necessitates an order that evidence be preserved.

1 Considering plaintiffs' contentions that evidence pertinent to this case may be destroyed,
2 the court will handle the matter in an expedited fashion. Plaintiffs must serve a Rule 45 subpoena
3 and a copy of this order on Paddock's estate, LVMPD, and the FBI's Las Vegas office by
4 February 1, 2019. Plaintiffs must file proof of that service by February 4, 2019. Defendant's
5 response to this motion is due February 8, 2019, and plaintiffs must reply by February 14, 2019.
6 An entity receiving a subpoena shall serve its objection on plaintiff within 14 days of service, as
7 provided by Rule 45(d) of the Federal Rules of Civil Procedure.

8 **IT IS THEREFORE ORDERED** that plaintiffs must serve a Rule 45 subpoena and a copy
9 of this order on Paddock's estate, LVMPD, and the FBI's Las Vegas office by February 1, 2019.
10 Objections to plaintiffs' subpoena are due to plaintiffs by February 14, 2019.

11 **IT IS FURTHER ORDERED** that plaintiffs must file proof of service by February 4,
12 2019.

13 **IT IS FURTHER ORDERED** that plaintiffs' emergency motion shall be briefed on the
14 following schedule:

15 Responses are due February 8, 2019

16 Replies are due February 14, 2019

18 DATED: January 30, 2019

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21 C.W. HOFFMAN, JR.
22 UNITED STATES MAGISTRATE JUDGE
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